IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 20TH AUGUST 2007 / 29TH SRAVANA 1929

WP(C).No. 25222 of 2007(C)

OS.1376/2005 of I ADDL.M.C.,TRIVANDRUM

.....

PETITIONER:

---

1. DR.H. SHYLAJA, D/O. HYMAVATHY,
   AGED 41 YEARS, SIVASAI, KALLINGAL, KULATHOOR P.O.,
   THIRUVANANTHAPURAM.

2. AMRITHA, D/O. SREEVALSAN,
   AGED 14 YEARS, SIVASAI, KALLINGAL, KULATHOOR P.O.,
   THIRUVANANTHAPURAM (MINOR REPRESENTED BY THE
   1ST PETITIONER).

BY ADV. SRI.THOMAS ABRAHAM
SMT.MERCIAMMA MATHEW

RESPONDENTS:

B. VASANTHA,
SOBHA NIVAS, KALLINGAL, KULATHOOR P.O.,
THIRUVANANTHAPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N.KRISHNAN, J.

WP(C).No.25222 OF 2007 C

Dated this the 20th August, 2007.

JUDGMENT

This writ petition is filed seeking a direction to the Additional Munsiff's Court, Thiruvananthapuram to dispose of Ext.P1 petition before the disposal of O.S.1376/05. Ext.P1 is an application whereby there is a prayer to forward the second petitioner/defendant to Rajiv Gandhi Centre for Bio Technology, Jagathy, Thiruvananthapuram for conducting D.N.A test for ascertaining whether there exists any sort of blood relationship between them. The suit is one for partition and everything revolves upon the success or failure of the parties to prove the relationship. I am not expressing anything on merits regarding Ext.P1. But needless to say that the court is expected to dispose of Ext.P1 before proceeding with the trial in the case. Therefore, the writ petition is allowed and a direction is given to the trial court to dispose of the case prior to the disposal of Ext.P1 in accordance with law after hearing both the parties and till that time not to include the suit in the list for trial.

M.N.KRISHNAN
Judge

jj